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September 29, 2011

Honorable David N. Hurd
United States District Judge
Alexander Pirnie Federal Building and U.S. Courthouse
10 Broad Street
Utica, New York 13501

Re: *Oneida Indian Nation of New York v. David Paterson, et al.*
CA No. 6:10-CV-1071

Dear Judge Hurd:

I am writing on behalf of Plaintiff Oneida Nation of New York to request an adjournment of the return date on Defendants' motion for summary judgment [DE 81]. Plaintiff is seeking this adjournment because a ruling by the Court on Plaintiff's fully-briefed Rule 41 voluntary dismissal motion [DE 76] might make it unnecessary to complete summary judgment briefing.

Plaintiff requests that the existing October 14, 2011 return date on Defendants' summary judgment motion be adjourned to November 25, 2011, with the motion to be taken on submit. The due date for Plaintiff's opposition to Defendants' summary judgment motion would be November 4, 2011, and the due date for Defendants' reply would be November 14, 2011.

Defendants have authorized me to indicate their consent to the adjournment of the return date to November 25, 2011, on submit, and to the November 4, 2011 opposition date and the November 14, 2011 reply date.

Respectfully submitted,

A handwritten signature in blue ink that reads "Michael R. Smith".

Michael R. Smith

cc: All Counsel of Record (via ECF)

So Ordered:

Hon. David N. Hurd